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January 30, 2009

Ms. Sarah Suarez

Associate Planner

Planning and Zoning Department

City of Hallandale Beach

400 South Federal Highway

Hallandale Beach, Florida 33009

RE: Gany Cohen- Applicant

Site @ 636 Palm Drive

Request for a Variance for RS-5 Zoning District

Site Landscape Areas Section 32-384(a) (1)

Justification Letter for Variance

Appeal to Planning and Zoning Board Decision on

January 28, 2009 to the City Commission

Project No. 08-505

Dear Ms. Suarez,

The Lalo Family presently has five (5) houses in this area, and has lived in the area since 1980. This single family house is owned by Mr. Lalo's daughter, Gany Cohen, who is a single mother with four (4) children ranging in age from twelve years old to four years old. This house was finished with the re-building process back in 2004.

This variance is for 39.45 percentage of landscaped area instead of the required 50 percent. The property was built with some additional walkways and pool deck areas, which causes the need for this variance. Other landscaped variances have been approved by the Planning and Zoning Board for approximately 42 percent, but at the meeting anything less than the required 50 percent requirement was not allowed. We asked the Board if we could reduce the walkways and meet the 42 percent landscaped area, if the Board would approve the reduction to get approved. No proposed Motion or compromise was allowed. We even discussed additional landscaping for the site.

The City staff has not considered the wooden deck area as landscaped area, even though the area has grass growing under the deck area. This area is composed of 3.15 percentage of the green area/ landscaped areas. The justification for the variance is as follows:

Justification

1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved, and which are not generally applicable to other lands, structures, or buildings in the same zoning district.

The single family house was built to replace an existing structure. The old house was a 2,700 square foot house with a circular driveway and pool area. The neighborhood area is going through a revitalization in which these old homes are demolished and new homes build, for accessibility to the Hallandale's waterway system and boating needs. The original house drawings had no side walkways to access the rear yard or air conditioning units from the house.

These walkways were added during construction, to allow the home owner to walk on a solid surface instead of the grassed areas which become muck holes if you walk thru them. This additional walkways being only four (4) feet wide walkways add 4.95 percentage of area to the walkway/ patio, and driveway calculations. The pool area again on the original house drawings is the basic rectangular pool and patio areas. The actual construction like most houses is an entertainment area and ethically pleasing area. Again this increased typical set back from the house of five (5) feet was increase to just eight (8) feet, but again this increase the patio areas by 643 square feet, giving the site a total of 39.45 percentage landscaped area instead of the required 50 percent.

2. That the special condition and circumstances do not result from the action of the applicant.

The property owner like most owners are concerned on the configuration of the pool areas and the walkways and did not realize the small increase in the walkway areas and pool areas caused this variance procedure.

3. That granting the variance requested will not confer on the applicant any privilege that is denied by the Code to other lands, buildings, or structures in the same district.

The open space area will still be within the Code requirements. The variance will not allow others to provide less landscaped areas but to inform the other property owners of the importance of the landscaped areas for the property and designing the proper walkways and pool areas during the design phase is more forcefully stressed. The pool permit should not have been issued with the pool deck as was built.

4. The literal interpretation of the provisions of the Code would deprive the applicant the rights commonly enjoyed by other properties in the same zoning district under the terms of the Code, and would work unnecessary and undue hardship on the applicant.

The Code requirement would unnecessarily make the applicant use the landscaped

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areas for walking from the front of the house to the rear yard, instead of the bricked walkways, for ease of walking and or moving items and the pool area would be small and unattractive. The narrowing of these walkways and pool deck would help increase the landscaped area but not enough to allow the 50 percent regulation.

5. That the variance granted is in the minimum variance that will make possible the reasonable use of the land, building, or structure.

The walkways and a portion poof the pool deck would have to be removed in-order to comply with the Code. Again the walkways are brick and provide a pleasant looking walkway.

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6. That the granting of the variance will be in harmony with the general intent and purpose of the Code.

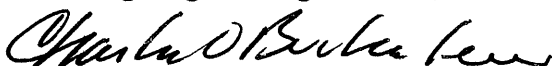
Granting the variance for the walkways which are brick and provide a pleasant looking walkway and the pool deck is not just a rectangle but a free formed pool area and deck area, provide a muck better appearance for the neighborhood and property.

7. That such variance will not be injurious to the area or otherwise detrimental to the public welfare.

The variance will not harm any of the adjacent properties and the City overall , but by the new construction regulations provides a better drainage system for this house as compared to the surrounding houses and also retains the five (5) year drainage storm event all onsite of the property, which the older lots do not presently have this capability.

If you have any questions, please feel free to contact this office.

**Very Truly Yours,
Charles O. Buckalew
Consulting Engineering Services, Inc.**



**Charles O. Buckalew
President
Florida Reg. No 24842**